STATUS OF CLAIMS

Claims 1 and 3-21 are pending.

Claims 1 and 3-21 stand rejected.

REMARKS

Change of Correspondence Address

Applicant has included herewith a form PTO/SB/122, requesting that all further correspondence be directed to the address associated with PTO Customer Account 45722.

35 U.S.C. 103(a) Rejections

Claims 1 and 3-21 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Goodwin (United States Patent Publication No. 2003/0220867) in view of Wilkinson (United States Patent Publication No. 2002/0099637). Applicant traverses these rejections for at least the following reasons.

To establish a *prima facie* case of obviousness, all of the recited claim limitations must be taught or suggested in the prior art. *See, MPEP 2143.03; see also, In re. Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).* Applicant submits Goodwin and Wilkinson fail to teach, or suggest, each of the limitations of any of the pending claims – such that a *prima facie* case of obviousness has not been made.

Turning first to Claim 1, it recites, in part, "[a] computer method of auctioning at least one claim or asset in bankruptcy over a communications network, said method comprising: [1] identifying potential buyers for said at least one claim or asset using at least one of a plurality of factors comprising previous purchasing behavior, industry links and market research; [and]

[2] notifying selected ones of the potential buyers of the availability of said at least one claim or asset." The cited art fails to teach, or suggest, in any combination, at least these first and second steps.

For non-limiting purposes of explanation, support for the recited identifying and notifying steps of Claim 1 can be found in the specification as originally filed, in Figs. 1A and 1B, and the accompanying text. As is explained thereby, Fig. 1a illustrates an exemplary bankruptcy filing processing in accordance with principles of the present invention. In this illustrative process, upon a bankruptcy filing 10, a list of creditors 20 (i.e., creditor schedule) is stored in a data store 40. A subset of the data within creditor list 20 stored in data store 40 is generated using filtering to populate a schedules database 50.

Identification of potential buyers 60 is made based on factors, such as previous purchasing behavior, industry links, buyer predetermined preferences, market research, etc. Buying preferences, as stored in database 50, of each potential buyer 60 are then matched against select marketing criteria 70. Although the illustrative example discusses the use of database 50 for determining corresponding preferences of potential buyers, it would be appreciated that list of potential buyers 60 may also be matched against preference data store in database 40.

Continuing with Fig. 1B, at block 80 an appropriate notification method for each of the potential buyers meeting or matching criteria 70 is made. The notification method may be determined in accordance with, and responsive to, buyer predetermined or preferred methods or settings, which may be stored on data store 40 or schedule database 50. For example, buyers may pre-store preferred methods of notifications such as the illustrated e-mail

notification 90, letter 100 or phone call 110. However, it would be appreciated that other notification methods may be utilized and are contemplated.

Thus, Claim 1 is directed to a computer method of auctioning at least one claim or asset in bankruptcy over a communications network that ***pushes*** claim or asset availability information to select potential buyers by: (1) identifying potential buyers for the at least one claim or asset using at least one of a plurality of factors comprising previous purchasing behavior, industry links and market research; and (2) notifying selected ones of the identified potential buyers of the availability of the at least one claim or asset. That is, the system drives the process by itself identifying potential buyers using a data store, and notifying select ones of the identified buyers. In contrast, the cited art fails to teach such a computer method, and in fact actually teaches the opposite -- a method that requires potential buyers ***pull*** selected item information. That is, Goodwin instead requires potential buyers drive the process by requiring them to express interest in particular items.

More particularly, the Final Office action argues Goodwin teaches the recited first and second steps of Claim 1. *See, 9/15/2005 Final Office action, par. 3.* Applicant traverses this assertion. First, the Final Office action relies upon par. 0101 of Goodwin to support the assertion that Goodwin teaches the recited identifying step of Claim 1. Applicant traverses this assertion. Par. 0101 of Goodwin merely discloses that user management 40 is a subsystem that provides user management functions. More particularly, par. 0101 of Goodwin teaches user management subsystem 40 merely provides an interface to data such as user profile data, user preference data, stored search/filter results, lists of financial products for which a user has purchased due diligence or other information, a user registration component to handle initial site registration, login/authentication functions, an interface that allows a system administrator

or quality control person to "activate" the ability for a Buyer or Seller to conduct transactions, and the like.

Thus, a detailed reading of par. 0101 reveals that while some data associated with users may be stored, par. 0101 of Goodwin does not teach or suggest ***identifying potential buyers*** at all – no less ***identifying potential buyers for a particular claim or asset using at least one of a plurality of factors comprising previous purchasing behavior, industry links and market research*** as is recited by Claim 1. And, that Goodwin actually requires potential buyers ***identify themselves*** as interested in a particular item. For purposes of completeness, Applicant submits Wilkinson as applied in the Final Office action fails to remedy at least this shortcoming of Goodwin.

Second, the Final Office action relies upon par. 0118 of Goodwin to support the assertion that Goodwin teaches the recited notifying step of Claim 1. Applicant traverses this assertion as well. Par. 0118 of Goodwin teaches a notifier subsystem 66 generates notifications. It goes on to disclose that ***sellers can be notified whenever a buyer has expressed interest in a financial product that the seller is selling***, and ***buyers can be notified*** as to the closing date for bids ***on the product or service he/she has expressed interest in***.

Thus, while Goodwin may teach system notifications to buyers and sellers, par. 0118 thereof fails to teach, or suggest, "***notifying selected ones of the potential buyers of the availability of said at least one claim or asset***". Further, Goodwin clearly fails to teach ***notifying selected ones of the potential buyers that were identified using at least one of a plurality of factors comprising previous purchasing behavior, industry links and market research of the availability of the at least one claim or asset*** -- as is recited by Claim 1.

Again for purposes of completeness, Applicant submits Wilkinson as applied in the Final Office action fails to remedy at least this shortcoming of Goodwin as well.

In an effort to bolster the rejection of Claim 1, the Final Office action also erroneously concludes that the recited method somehow embodies how potential buyers are identified over the Internet – without providing any support for this assertion. *See, 9/15/2005 Final Office action, par. 4.* And, presents the unsupported conclusory argument that, "[o]ne would have to monitor the buyer's behavior by at least identifying the different sites or items of interest for said buyer and make a decision as to the possibility said buyer is interested in an auction and notify said buyer of the item being up for auction." Applicant submits that even if true – this still fails to meet the recited limitations of Claim 1 discussed herein-above though.

Again, Claim 1 recites a computer method that ***pushes*** claim or asset information to particular potential buyers by: (1) identifying potential buyers for the at least one claim or asset using at least one of a plurality of factors comprising previous purchasing behavior, industry links and market research (e.g., searching a database); and (2) notifying selected ones of the identified potential buyers of the availability of the at least one claim or asset (e.g., by the user preferred method). In contrast, Goodwin teaches a method that requires potential buyers ***pull*** selected item information – wherein the notifications of par. 0118 of Goodwin are all in response to buyers identifying particular products they are interested in. The relied upon teachings of Wilkinson fail to remedy this considerable deficiency of Goodwin, as the Final Office action clearly relies upon Goodwin in these regards.

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 1, as a *prima facie* case of obviousness has not been met, at least by virtue that the asserted combination of Goodwin and Wilkinson fails to teach, or suggest,

each of the limitations of Claim 1 – namely at least the recited: (1) identifying potential buyers for said at least one claim or asset using at least one of a plurality of factors comprising previous purchasing behavior, industry links and market research; and (2) notifying selected ones of the potential buyers of the availability of said at least one claim or asset.

Applicant also requests reconsideration and removal of the rejections of Claims 3-13 and 17-20 as well, at least by virtue of these Claims ultimate dependency upon a patentably distinct base Claim 1.

In a similar fashion to patentably distinct Claim 1, independent Claim 14 recites, in part, "[a] computer system for auctioning at least one claim or asset in bankruptcy over a communications network comprising: ... [1] a code for identifying potential buyers for said at least one claim or asset using at least one of a plurality of factors, the factors comprising previous purchasing behavior, industry links and market research; [and] [2] code for notifying selected ones of the potential buyers of the availability of said at least one claim or asset."

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 14, as a *prima facie* case of obviousness has not been met, at least by virtue that the asserted combination of Goodwin and Wilkinson fails to teach, or suggest, each of the limitations of Claim 14 – namely at least the recited: (1) code for identifying potential buyers for said at least one claim or asset using at least one of a plurality of factors comprising previous purchasing behavior, industry links and market research; and (2) code for notifying selected ones of the potential buyers of the availability of said at least one claim or asset.

Applicant also requests reconsideration and removal of the rejections of Claims 15-16 as well, at least by virtue of these Claims ultimate dependency upon a patentably distinct base Claim 14.

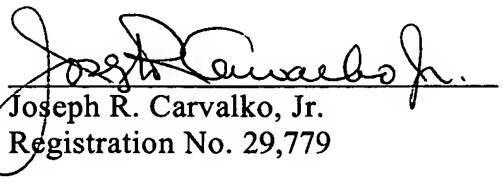
CONCLUSION

Applicant believes he has addressed all outstanding grounds raised in the outstanding Office action, and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Dated: January 11, 2006



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